

Andrei MAJIDIAN
Serial No. 10/531,054
March 23, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As requested, the claims have been amended so as to uniformly recite “system operating rules.”

The objection to claims 4 and 12 as being “independent” claims is not understood. In any event, these claims have been further amended above so as to make it absolutely clear that they are in the most traditional and well accepted form of “dependent” claims in full compliance with all statutory requirements of 35 U.S.C. §112, paragraphs 3-5. The Examiner’s concern that dependent method claim 4 is somehow directed to “a method of using a method” is not understood – and is presumably at least mooted by the above amendment. If the Examiner has any continuing concerns about the format of claims 4 and 12, it is respectfully requested that the undersigned be telephoned for discussion so that any further informality can be quickly resolved.

In response to the rejection of claims 1-5, 10 and 12 under 35 U.S.C. §112, 2nd paragraph, the claims have been amended so as to moot all stated grounds for rejection. For example, claims 1 and 5 have been amended so as to provide more explicit and undeniable antecedent basis for the system command portion. Claims 2 and 10 have been amended so as to explicitly refer back to the antecedent recitation of rule data. The

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reference to “initial” rules has been simply eliminated. Accordingly, all grounds of rejection based upon alleged indefiniteness under 35 U.S.C. §112 are believed to have been clearly overcome.

The rejection of claims 1-6 under 35 U.S.C. §101 because they are allegedly directed to non-statutory subject matter is respectfully traversed. The claims are to be interpreted through the mind and eyes of one having skill in the relevant art. Those having such skill will clearly understand the methodology as discussed in the specification and as claimed throughout this application utilizes at least one programmed computer having input/output ports, memory and a processor, etc. See, for example, Figs. 3-4 and associated text of the specification. This “tie” to another statutory class (e.g., a particular apparatus or “machine”) is now made more explicit by the above amendments.

In addition, as those having skill in the relevant art will understand, the steps that are recited do transform the underlying subject matter (e.g., such as magnetic storage media, solid state electronic circuits, etc.) of the associated computer system to a different state or thing. Indeed, a common description of a programmed computer system is a “state machine.” Upon each clock cycle of the computer, the state of innumerable circuits and/or storage media sites within the physical structure of the computer change

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from one state to another. That is, the underlying subject matter is changed to a different state or thing.

The rejection of claims 1-5 and 9-13 under 35 U.S.C. §101 because they are allegedly directed to non-statutory subject matter is also respectfully traversed.

Again, those having skill in the relevant art will recognize the practical application (i.e., “utility”) and “real world results” of practicing the applicant’s claimed invention. The claims are indeed limited to a substantial practical application which leads to and produces a useful, concrete and tangible result. To make this irrefutable, the claims have been amended above so as to include an output step/means for outputting data representing the identified conflicts to a user and/or another computer-implemented process. There is no attempt to claim a mere “idea,” nor has the applicant simply recited “abstract ideas” or the manipulation of abstract ideas. In fact, the applicant has not claimed a “basic equation.”

As already noted above, the claimed subject matter does provide a tangible result — and a practical application. In part, this is achieved by transforming physical things from one state to another. In any event, the claims now do recite a “final result” which produces a useful, specific, substantial and “credible” concrete result which is substantially repeatable and is not “unpredictable.” The applicant’s claims do not recite a

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“mathematical formula” so the Examiner’s comments in this regard are assumed to be merely boilerplate language from elsewhere.

As those in the art will appreciate, the identification of conflict in a set of system operating rules is itself a very useful result – and it certainly reflects at least one practical utility set forth in the specification (and, indeed, in the claims; see, for example, dependent claims which require expansion of the system operating rule set, resolution of identified conflicts, etc.).

As those having skill in the relevant art will clearly appreciate, there are many practical applications of data processing/transformation of signals/data inside a computer. Indeed, if one understands how a computer is constructed and operates, there is no doubt that physical transformation of physical “things” is taking place upon each clock cycle of the computer. To deny this would be intellectually dishonest.

The Examiner inquires as to the practical application of “comparing rules.” Of course, reading the claim language a little further will reveal that the practical application of comparing rules is to identify those rules for which a semantic conflict occurs. In any event, the claims have now been amended so as to also result in output of data representing the identified conflicts, etc.

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The Examiner's allegation that applicant's claims fail to produce a result having real world value (rather than a mere abstract "thought" or "computation" or "manipulated data") is not understood. The system operating rules which are the subject of applicant's claims are well understood by those in the art to control events in the real world – and conflicts between such rules cause real world difficulties. All of this is described in applicant's specification – and applicant provides a real world, concrete, tangible solution to this problem by providing a novel process for discovering such conflicts – thus permitting their resolution and permitting a better real world operating system. The Examiner asserts the mere identification of conflicts "could be nothing more than producing data which is useless in a real world situation absent a particular substantial application." Clearly, those having skill in the relevant art would disagree. Even if one only produces output data to a user identifying conflicts, that data is very useful in a real world situation. Of course, in any real world situation to which applicant's claims apply, there would be a "particular substantial application" at hand as those having skill in the relevant art would understand. Furthermore, data in the real world is indeed a practical and tangible result since the data does not exist "alone." In fact, any recognizable data that can be communicated to a person or a machine (whether internally or externally) must necessarily have detectable physical structure (e.g., the state of magnetizable media,

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electronic circuitry, etc.). Such regularly does by “itself” (when embodied, as it must be, in a “physical” structure of some kind) perform very useful, concrete and tangible results. Indeed, people pay real dollars (and other currencies) for the delivery of data in various physical structures (e.g., via tangible printed output, visible screen displays, magnetic disks, magnetic tapes, optical disks, coaxial cables, optical fibers, etc.). To assert otherwise is to require one to consciously blind him/herself to the real world that exists all around us today.

The Examiner is also reminded that for applicant’s apparatus claims in “means-plus-function” format, such claiming is explicitly authorized by statute (35 U.S.C. §112, 6th paragraph).

The rejection of claims 1-2, 4-8, 9-10 and 12-15 under 35 U.S.C. §102 as allegedly anticipated by Moriconi ‘133 is respectfully traversed.

Moriconi relates to access control, security and authentication in a computer system. In contrast, applicant’s claimed invention relates to identifying and resolving conflicts in a computer system. Moriconi does not teach how conflicts are actually identified and resolved. In particular, there is no disclosure of steps of c) and d) of claim 1, which relate to expanding the system rules (the access requests or policies in Moriconi) in the specific manner set out in step c), and the comparison of the expanded system rules

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to identify conflicting rules in step d). The expansion step c) in preferred examples takes singleton rules, and expands them using the semantic graph of the system commands, to give further singleton rules (see page 17, lines 10 to 15; and page 19, lines 14 to 20 of the specification). The comparison step d) is described in a preferred example on page 21, lines 4 to 13 of the specification.

In Moriconi, "conflicts" can occur between user requested access and a stored policy as described on page 7, paragraph 92. For example, a user may request access to a particular resource, but the stored client policy may deny any access to the resource. On page 7, paragraph 93, the conflict is "resolved" (where the client policy is always favored). Therefore, it is clear from this description that the conflicts identified do not relate to sets of operating rules that are effectively stored [on the computer], as in step a) of applicant's claim 1.

In Moriconi, only the client profile is stored, but the user entered profile is not. This differentiates the conflict between user access and stored profiles in Moriconi from the conflicts occurring within sets of system operating rules already stored on the computer.

Furthermore, it is clear from page 7, paragraphs 92 and 93 in Moriconi (the only discussion of conflict in Moriconi), that there is no teaching of how these conflicts are

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identified as required by steps c) and d) of applicant's claim 1, namely, that of expansion of the system operating rules using the semantic data representing a graph structure.

Conflict is discussed on page 7, paragraphs 92 and 93, and potential semantic relationships between system commands are arguably discussed on page 4, paragraphs 46 and 47, in terms of inheritance. However, there is no discussion of how these two components might interact in a method for identifying conflicts as set out in the specific steps of applicant's claim 1.

In the applicant's invention, conflicts within the system may be resolved "at compile time and not as currently the case, dynamically at run time (when rules are enforced) resulting in system problems" (see page 7, lines 14 to 16 of the specification). This neatly summarizes an advantage of applicant's invention. It should be clear that even at this general level, there is nothing in Moriconi that anticipates or suggests such a thing.

Claim 4 further requires that the resolving of identified conflicts gives "a resolved expanded set of system operating rules." In Moriconi, the only result of resolution is to allow or deny access. There is no consolidation into an "expanded set of system operating rules" as required in applicant's claim 4. Again, this feature is tied in with an

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advantage of the present invention whereby one may resolve conflicts in stored rules dynamically before they become a problem at run-time.

The above-discussed deficiencies of Moriconi with respect to claim 1 also exist with respect to the other independent claims. Similarly, the above-discussed deficiencies with respect to dependent claim 4 are also found in other dependent claims having similar recitations. Given such fundamental deficiencies of Moriconi as already discussed, it is not necessary at this time to discuss additional deficiencies of Moriconi with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible for any reference to anticipate a claim unless it teaches each and every feature of that claim.

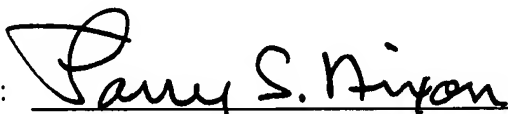
It is noted that the Examiner has not made any prior art-based rejection of claims 3 and 11. Accordingly, since formality issues are believed to have been resolved as noted above, it is presumed that at least claims 3 and 11 are now agreed to be directed to allowable subject matter.

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In view of the above amendments and discussion, it is believed that this entire application is now in condition for allowance, and an official notice to that effect is earnestly solicited.

Respectfully submitted,

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